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OGC 78-4618
14 July 1978

MEMORANDUM FOR: Director, NFAC
Deputy Director for Administration
Deputy Director for Operations
Deputy Director for Science & Technology
Inspector General
Legislative Counsel
Special Assistant for Public Affairs

FROM: Anthony A. Lapham
General Counsel

SUBJECT: Review of Agency Secrecy Agreements

1. In light of the controversy and intense public interest stirred up by the Snepp trial, and notwithstanding its successful outcome, I believe, and the Director concurs, that it is time to undertake a comprehensive review of the contents and administration of Agency secrecy agreements. By this memorandum I am asking each of you to designate one or more representatives to participate in such a review. Coordination of the review will be handled by [redacted] of this Office, and I would appreciate it if you would have your representative[s] contact [redacted] directly. His telephone extension is [redacted]

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2. As I see it the fundamental issues that need to be examined with respect to our present practices are as follows:

(a) Reasonableness. Are the secrecy obligations undertaken by Agency employees any broader than is necessary to protect the Agency's legitimate security interests;

(b) Clarity. Are the secrecy obligations stated in a way that makes them as clear and understandable as possible, and is there in fact a common understanding among Agency employees as to the nature and scope of these obligations;

(c) Application. Does the Agency deal fairly and efficiently with its own end of the bargain, as for example in the screening of employee or ex-employee manuscripts, and are we properly organized for that purpose;

(d) Sanctions. Should Agency secrecy agreements include specific provisions (other than the rather useless and misleading references to the espionage laws) spelling out the consequences of a violation.

There may well be other major issues you would want to add to my list.



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Anthony A. Lapham

cc: DCI
DDCI
C/FOI&PLD/OGC

TO : 		DATE OF REQUEST 18 July 1978 STAT
FROM : GMC <i>[Signature]</i> 18 JUL 1978		SUSPENSE DATE
SUBJECT: Memorandum from Tony Lapham on Review of Agency Secrecy Agreements		
<div style="text-align: right; font-family: cursive; font-size: 1.2em; margin-bottom: 10px;"> <i>Security Matter</i> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 80%;"> <p>NOTES</p> <p>Re your question on the attached: OGC plans to redraft the various Secrecy Agreement texts now in effect. The other offices are being consulted, but most of the work will be done by anticipates several joint meetings, but this is not to be anything like a PLC or I can handle.</p> <div style="margin-top: 20px; text-align: center;"> <p style="font-size: 2em; font-family: cursive;">Great!</p> <p>18 JUL 1978</p> <p style="font-size: 1.2em; font-family: cursive; transform: rotate(-10deg);"> OGC informed that GMC will be designated </p> </div> </div> <div style="width: 15%; text-align: right;"> <p>STAT</p> <p>STAT</p> </div> </div>		